

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 14, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Absent: Paul J. Escobar. Meeting was called to order and the invocation was given by Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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No action was taken on the discussion and action on funding of the 2% for Public Arts Program.
[El Paso Public Arts Commission, Chair Carl Ryan]

Mr. Carl Ryan, Chairman of the El Paso Public Arts Commission, noted that the Commission's bylaws and guidelines were placed on today's City Council Agenda for adoption and stated that the \$600,000.00 budget for the Public Arts Commission had been appropriated for the Plaza Theatre restoration project. He questioned Mayor and Council regarding the reasoning behind utilizing the Commission's monies without consulting the Commission members.

Mayor Joe Wardy apologized to Mr. Ryan and the Commission Board Members and explained that it was his understanding that the Public Arts Commission members had been notified regarding the utilization of the Commission's monies for the Plaza Theatre restoration project. He stated that the City would find the monies in order to fund a Master Plan for the 2% Public Arts projects.

Mr. Ryan requested that Council Members commit to funding next year's Commission projects. He added that, if initially consulted, the Commission's members might have agreed to the utilization of its monies for the Plaza Theatre project.

Representative John Cook suggested that the issue be brought to the Public Arts Commission members for their consideration and/or recommendation regarding the appropriation of the Commission's monies for the Plaza Theatre. He asked that the Commission members not be left out of any discussions, specifically discussions regarding budgetary matters.

Mayor Wardy requested an audience with the Commission members to discuss the Commission's budget.

Mr. Ryan noted that he would abstain from the budget discussion with the Mayor as he also is the attorney and Secretary for the El Paso Community Foundation.

Representative Power noted that Representative Austin had recommended an alternative funding source for the El Paso Public Arts Commission's Master Plan.

Mr. Ryan surmised that the Master Plan was essential to moving forward and that public art could mean the difference between a great city and an ordinary one.

Ms. Lisa Turner, citizen, stated that citizens of El Paso might not approve the next bond election due to the actions of this administration misappropriating funds for the Public Art Commission.

Representative Cook explained that City Ordinance Number 15245 might justify utilizing the Public Art Commission's monies for the Plaza Theatre restoration and read selected Ordinance language into the record.

Ms. Turner responded that without public trust the City could not operate.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. Representative Power was not present for the vote.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to postpone one (1) week the approval of Minutes for Regular City Council Meetings of September 30 and October 7, 2003.

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*Motion made, seconded and unanimously carried to approve the Minutes for the Legislative Review Committee Meetings of the Whole of September 29 and October 6, 2003.

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*Motion made, seconded and unanimously carried to excuse Representative Paul J. Escobar from the Regular City Council Meeting of October 14, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso ("Lessor"), Mueller Capitol Plaza - Sacramento, a Hawaii limited partnership, Wayne Windle, Katherine Alday ("Assignors") and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995, and Buzz Oates Development Limited Partnership, a California limited partnership ("Assignees"), in connection with the Industrial Site Lease dated November 1, 1991 by and between Lessor and Mark III Industrial Developers covering the properties municipally known and numbered as **#5, 7, 9, & 11 Founders, El Paso, Texas.**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), Mueller Capitol Plaza - Sacramento, a Hawaii limited partnership ("Assignor") and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995, and Buzz Oates Development Limited Partnership, a California limited partnership ("Assignees") in connection with the Industrial Site Lease dated November 1, 1991 by and between Lessor and Texas Builders covering the property municipally known and numbered as **#20 Zane Grey, El Paso, Texas.**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, Texas (Lessor), Mueller Capitol Plaza - Sacramento, a Hawaii limited partnership ("Assignor") and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995, and Buzz Oates Development Limited Partnership, a California limited partnership ("Assignees") in connection with the Industrial Site Lease dated November 1, 1991 by and between Lessor and Texas Builders covering the properties municipally known and numbered as **#16 Zane Grey, El Paso, Texas and #21 Butterfield Trail, El Paso, Texas.**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Program Guidelines and the Bylaws for the El Paso Public Arts Commission be approved, as recommended by the Public Arts Commission and the Staff of the Arts and Culture Department.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department, to be funded through the FY2004 Direct Funding Program of the Arts and Culture Department as recommended by the Arts and Culture Department's Advisory Board and Staff and the City of El Paso Community and Human Development Department, Office of Accessibility.

| | <u>ACD</u> | <u>TCA</u> | <u>TOTAL</u> |
|------------------------------------------------|------------|------------|--------------|
| 1. El Paso Association for the Performing Arts | \$11,635 | \$4,136 | \$15,771 |
| 2. El Paso Opera | \$11,761 | \$4,180 | \$15,941 |
| 3. El Paso Pro-Musica | \$11,635 | \$4,136 | \$15,771 |
| 4. El Paso Symphony Orchestra | \$11,894 | \$4,236 | \$16,130 |
| 5. Aardvark Theatre | \$ 4,488 | \$3,423 | \$ 7,911 |
| 6. Bridge Center for Contemporary Art | \$ 6,060 | \$4,102 | \$10,162 |
| 7. Chamizal Independent Film Festival | \$ 4,198 | -- | \$ 4,198 |
| Bridge Center for Contemporary Art | | | |
| 8. Chamizal National Memorial/Siglo de Oro | \$ 6,258 | -- | \$ 6,258 |
| 9. Chamizal National Memorial/Festival | -- | \$4,180 | \$ 4,180 |
| 10. Creative Kids | \$ 4,382 | \$2,932 | \$ 7,314 |
| 11. El Paso Chorale | \$ 6,126 | \$4,136 | \$10,262 |
| 12. El Paso Community College | \$ 2,748 | \$1,893 | \$ 4,641 |
| 13. El Paso Friends of Jazz Society | \$ 1,924 | \$1,239 | \$ 3,163 |
| 14. El Paso Playhouse Kids-N-Co. | -- | \$1,001 | \$ 1,001 |
| Bilingual Theatre | | | |
| 15. El Paso Playhouse Kids-N-Co. | \$ 2,730 | -- | \$ 2,730 |
| Technical Support | | | |
| 16. El Paso Sungold/Sweet Adelines | \$ 1,737 | \$1,197 | \$ 2,934 |
| 17. El Paso Wind Symphony | \$ 6,126 | \$4,136 | \$10,262 |
| 18. Gilbert & Sullivan Co. of El Paso | \$ 2,365 | \$1,546 | \$ 3,911 |
| 19. Project Vida | \$ 4,913 | -- | \$ 4,913 |
| 20. Showtime El Paso | \$ 5,995 | \$ 4,047 | \$10,042 |

| | | | |
|--------------------------------------------|----------|----------|----------|
| 21. Theatre Inc. | \$ 6,258 | \$ 4,225 | \$10,483 |
| 22. UTEP Art Department | \$ 6,060 | \$ 4,091 | \$10,151 |
| 23. UTEP Language & Linguistics Department | \$ 2,037 | \$ 1,404 | \$ 3,441 |
| 24. UTEP Office of Special Events | \$ 5,094 | \$ 3,510 | \$ 8,604 |
| Wednesday Music Cafe | | | |

TOTALS: **\$126,424** **\$63,750** **\$190,174**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Agreements for the following artists to be accepted as part of the FY 2004 Arts in Education Program of the Arts and Culture Department as recommended by the Arts and Culture Department's Advisory Board and Staff:

1. Terry Alvarez
2. Jay Duncan
3. Matilde Espinoza
4. Marcia McNamee

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Contracts on behalf of the Arts and Culture Department to present the following artists for the FY04 People's Gallery Visual Arts Series to be held on the first floor of City Hall, as recommended by the Arts & Culture Advisory Board and staff.

1. Suzane M. Kane; cost of \$250.00 for the exhibition during May 5, 2004 through July 30, 2004.
2. Greg Fuqua; cost of \$500.00 for the exhibition during August 4, 2004 through October 29, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Contracts on behalf of the Arts and Culture Department for the FY 2004 Art Windows of El Paso Visual Arts Series to be held at the El Paso International Airport, as recommended by the Arts and Culture Advisory Board and staff.

1. Hilda Rosenfeld; cost of \$500.00 for exhibit during the period of November 4, 2003 through January 30, 2004.
 2. Gaspar Enriquez; cost of \$500.00 for exhibit during the period of February 3, 2004 through April 30, 2004.
 3. Agustin Vargas; cost of \$500.00 for exhibit during the period of May 4, 2004 through July 30, 2004.
 4. Janice Walpole; cost of \$500.00 for exhibit during the period of August 3, 2004 through October 29, 2004.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on October 6, 2003, by the Borderland Community Development Association for use of amplification at a tree-planting event at Borderland Park, 6327 Modesta, beginning at 2:00 p.m. and continuing until 6:00 p.m. on Saturday, October 11, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on October 7, 2003, by the Victory Warriors Drill and Dance Academy for a walk celebrating the "Lights on After School" event starting at 4445 Edgar Park, continuing to Magoffin Middle School, and returning to 4445 Edgar Park, beginning at 4:30 p.m. and continuing until 6:00 p.m. on Thursday, October 9, 2003.

***RESOLUTION**

WHEREAS, pursuant to the Federal Clean Air Act, the El Paso area has been designated as a non-attainment area for three criteria pollutants (carbon monoxide/moderate, ozone/serious, and PM10/moderate) since the early 1970's, though the most recent official designation by the U.S. Environmental Protection Agency (EPA) was made in 1991 after the Clean Air Act Amendments of 1990; and

WHEREAS, Section 7509a. of the Clean Air Act (42 U.S.C. 7401 *et. seq.*), which addresses non-attainment areas along international borders, stipulates that any metropolitan area in the United States that is able to demonstrate that the area would be in compliance with the National Ambient Air Quality Standard (NAAQS) for any of the regulated pollutants if not for emissions from outside of the United States; and

WHEREAS, through the use of scientific modeling, the EPA approved a demonstration in 1992 by the Texas Natural Resource Conservation Commission, now the Texas Commission on Environmental Quality, establishing that the El Paso area was in compliance with the NAAQS for **particulate matter**; and

WHEREAS, the Texas Natural Resource Conservation Commission also submitted evidence to the EPA in 1995 and 1996 establishing that the El Paso area also would be in attainment with the NAAQS for the one-hour **ozone** and **carbon monoxide** standards if not for emissions from Mexico; and

WHEREAS, the City of El Paso and the County of El Paso have jointly cooperated to achieve the goals of the State Implementation Plan in place for the control of the regulated pollutants, including but not limited to the following activities:

For the control of **Carbon Monoxide**, the City and the County have required the following:

- * Oxygenated Gasoline from October 1 to March 31 of each year; and
- * Annual vehicle inspection program; and
- * Wood burning prohibition during evenings forecasted to exceed carbon monoxide; and
- * Plans to reduce vehicle miles traveled; and

For the control of **Ozone**, the City and the County have required the following:

- * Stage I and II Vapor recovery systems at gasoline dispensing facilities
- * Annual vehicle inspection program
- * Low-vapor pressure gasoline from June 1 to September 16 of each year
- * Control of minor sources of Volatile Organic Compounds such as vehicle body/paint shops, printers, and other spray painting operations
- * Plans to reduce vehicle miles traveled

For the control of **PM10** (particles of 10 micron in size), the City has required:

- * Paving of City streets,
- * Paving of City alleys,
- * Scheduled City street sweeping program,
- * Wood burning prohibition during evenings forecasted to exceed particulates.

WHEREAS, recent ambient air quality data indicate El Paso has attained the national ambient air quality standards for these three pollutants and is therefore eligible for consideration of re-designation to attainment status; and

WHEREAS, accurate designations under the Federal Clean Air Act help to ensure appropriate use of air quality control resources; and

WHEREAS, in order to re-designate the El Paso area, the State of Texas must request re-designation by the U.S. Environmental Protection Agency; and

WHEREAS, improvements in measured levels of air pollutants in El Paso reflect on the success of regional and bi-national cooperation as well as a concerted effort by the citizens of all political jurisdictions in the El Paso Metropolitan Planning Organization community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the City of El Paso supports the El Paso Metropolitan Planning Organization's Transportation Policy Board request that the State of Texas submit the appropriate documentation supporting re-designation as warranted by the ambient data, whereby the re-designation request shall be sought for each pollutant individually, rather than collectively.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application to cross a portion of El Paso County Water Improvements District No. 1 property known as the **Schultz Lateral**, for the project known as "**Redd Road Extension**," such application is to include an application fee of ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00); and that the Mayor be authorized to submit to the El Paso County Water Improvement District No. 1 an additional fee of FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) for surveying costs related to this project. Total cost to the City is ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00).

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign an Agreement for Engineering Services by and between the CITY OF EL PASO and KIMLEY-HORN AND ASSOCIATES, INC., for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made by Representative Cushing, seconded by Representative Cobos and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE**, to assist the Financial and Administrative Services Department as a Grants Coordinator, at a biweekly rate of \$2,575.00, for 40 hours per week. The term of the contract shall be for the period of October 17, 2003 through October 16, 2004.

Mr. Ray Gilbert, citizen, questioned the number of individuals who may have applied for the position if the contract were considered as an RFQ matter. He answered questions of Representative Austin.

Representatives Austin, Cook and Rojas provided comments and requested additional information from City staff.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, addressed the Council and stated that the Resolution was to renew the Personal Services Contract of Mr. Doyle, with a 3% merit increase.

Ms. Terry A. Bond, Director of Human Resources, explained Civil Service Commission requirements regarding merit increases and stated she would provide copies of information requested by Council Members.

AYES: Representatives Cushing, Lozano, Rojas and Cobos
NAYS: Representatives Austin and Cook
NOT PRESENT: Representative Power
EXCUSED: Representative Escobar

NOTE: Resolution was revised from "Grants Writer" to "Grants Coordinator".

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso approves the participation by the El Paso Fire Department in the 67th Annual Las Palmas & Del Sol Sun Parade to be held on November 27, 2003. The Fire Department will provide the 1948 Mack Fire Engine, the Fire Safety House, a new Fire Engine, "Reddy Teddy", "Sparky the Fire Dog", members from the ComSAR Team, Special Rescue 11, the Water Rescue, the HazMat team, and an ambulance (last rig in the parade).

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***RESOLUTION**

WHEREAS, the Texas Housing Finance Corporations Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, the City Council desires to appoint a new director to the Board of Directors to fill her term, expiring November, 2005.

That **Susan de la Vega** is hereby appointed to the Board of Directors of the El Paso Housing Finance Corporation.

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARIE LIVINGSTON**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00 per hour, not to exceed 20 hours per week and a maximum amount of \$1,500.00. The term of the contract shall be for the period of October 15, 2003 through May 31, 2004.

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **KIMBERLY SULLIVAN**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00, not to exceed 20 hours per week and a maximum amount of \$1,500.00. The term of the contract shall be for the period of October 15, 2003 through May 31, 2004.

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CAROL HILLIARD**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00, not to exceed 20 hours per week. The total amount of the contract shall not exceed \$2,800.00. The term of the contract shall be for the period of October 15, 2003 through May 31, 2004.

WHEREAS, the City of El Paso is in need of additional municipal solid waste planning to improve its services, upgrade its current transfer and final disposal facilities, and to keep meeting the growing needs of its service area; and

8 REGULAR COUNCIL MEETING – OCTOBER 14, 2003

WHEREAS, the Texas Health & Safety Code and Texas Administrative Code authorize the City of El Paso to provide for solid waste collection and disposal and the City of El Paso's Solid Waste Management Department proposes to develop a comprehensive Municipal Solid Waste Feasibility and Assessment Study for the City of El Paso;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to submit a request for technical assistance and/or acquisition of funds to the Border Environment Cooperation Commission (BECC) and to the North American Development Bank (NADB) to prepare a Feasibility Study for the construction of a solid waste transfer station, a Solid Waste Management Study, and to develop a Solid Waste Master Plan. Further, that the Mayor be authorized to identify solid waste management projects and seek BECC certification and subsequent NADB funding. Should funds be available through BECC, NADB or other sources, the Solid Waste Management Department will collaborate with BECC and/or NADB in the securing funding for any identified projects.

Representative Rojas questioned Ms. Emma Acosta, Director of Solid Waste Management, regarding the use of the funds.

Ms. Acosta responded to Representative Rojas' questions and provided further information for Council Members.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution. Representative Power was not present for the vote.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Sublease Agreement between the City of El Paso and the Sun Bowl Association to utilize a warehouse at 16 Zane Grey, Suite 400 B-1, to build the City of El Paso Solid Waste Management's Las Palmas Del Sol Sun Bowl Parade float.

Ms. Emma Acosta, Director of Solid Waste Management, explained that the Department has participated in the parade for the last seven years and noted that the parade float utilized by the Department uses recycled materials. She addressed comments and questions from Representatives Cushing, Lozano and Cobos.

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the above Resolution.

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|--------------|---------------------------------------------------|
| AYES: | Representatives Cushing, Cook and Cobos |
| NAYS: | Representatives Lozano and Rojas |
| NOT PRESENT: | Representatives Austin, Power and Mayor Joe Wardy |
| EXCUSED: | Representative Escobar |
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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the Solid Waste Management be authorized to sign a Short Term Vehicle Lease Agreement between the City of El Paso and APSCO to lease a Golf Cart with a Cargo Bed for three days, in conjunction with the City of El Paso Solid Waste Management's participation in Las Palmas Del Sol Sun Bowl Parade, November 27, 2003.

Ms. Emma Acosta, Director of Solid Waste Management, noted that the Solid Waste Management Department would utilize \$410.00 to lease the golf cart.

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the above Resolution.

AYES: Representatives Cushing, Cook and Cobos
NAYS: Representatives Lozano and Rojas
NOT PRESENT: Representatives Austin, Power and Mayor Joe Wardy
EXCUSED: Representative Escobar

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso approves the participation by the Department of Solid Waste Management in the Las Palmas & Del Sol Sun Parade to be held on November 27, 2003. The Department of Solid Waste Management will provide a float entitled "Season's Greetings Everyday is Earth day."

Ms. Emma Acosta, Director of Solid Waste Management, noted that the City would incur no costs.

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the above Resolution.

AYES: Representatives Cushing, Cook and Cobos
NAYS: Representatives Lozano and Rojas
NOT PRESENT: Representatives Austin, Power and Mayor Joe Wardy
EXCUSED: Representative Escobar

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with PAN AMERICAN HEALTH ORGANIZATION to lease the company One (1) 35 Gallon Container, One (1) 23 Gallon Container and Two (2) 8 Gallon Baskets for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with JTS CAR WASH to lease the company One (1) 4 Cubic Yard Dumpster and Four (4) 32 Gallon Containers for a service fee of \$20.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal License Agreement between the City of El Paso and San Elizario Independent School District for the use of one or more of their school parking lots as drop off stations for recycling, at no cost to the City.

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Tract 465, Sunrise Acres No. 1, an Addition to the City of El Paso, being more particularly described in Volume 1304, Page 710, Deed Records of El Paso county, Texas. (PID #S912-999-001P-6300)

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PETER M. KOPLOS, D.V.M.**, to provide services as an On-call Veterinarian for the El Paso Zoo at an hourly rate of \$55.00, not to exceed 50 hours per month. Total amount of the contract shall not exceed \$33,000.00. The term of the contract shall be for the period of October 15, 2003 through October 14, 2004.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 4th day of November, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10205 Whitetail Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 30, Block 6, Deer Valley Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 55, Page 31, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Elaine B. Nagley, C/O Ann H. Harris, 957 Raven Street, Corpus Christi, Texas 78418, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 11th day of November, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8102 Tigua Circle, in El Paso, Texas, which property is more particularly described as:

Lot: 2, Block 3, Tigua Place, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 8, Page 49, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Guadalupe V. Gomez, Ave. Ferrocarril 675, Col. Les Reyes, San Luis Potosi, Mexico 78170, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- l) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTE: Delinquent taxes in the amount of \$1,547.55.

.....
 *Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Trade Center Drive Extension
 Owner/Developer: C.F. Jordan
 Consultant: CSA Engineering

Street Improvements:

Trade Center Avenue - from the west subdivision boundary line to the east subdivision boundary line

Drainage Improvements:

Surface Drainage

.....
 *Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Accounting Technician (1)

.....
 *Motion made, seconded and unanimously carried to re-appoint Robert Strong to the Cable Communications Commission by Representative Paul J. Escobar, District 6.

.....
 *Motion made, seconded and unanimously carried to re-appoint Abel Rodriguez to the Cable Communications Commission by Representative Jose Alexandro Lozano, District 3.

Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Jaime O. Perez to the Airport Board by Representative Jose Alexandro Lozano, District 3.

Representative Austin and Cushing expressed their concerns regarding conflict of interest and asked further questions due to Mr. Perez volunteering in Representative Lozano' office.

Representative Lozano addressed Representatives Austin and Cushing's questions and stated that he had checked with the City Attorney's office and was informed that there existed no conflict of interest.

Ms. Terri Cullen-Garney, Deputy City Attorney, confirmed regarding no conflict of interest regarding matters of the Airport Board and gave further information regarding the Ethics Ordinance.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to appoint Jaime O. Perez to the Airport Board by Representative Jose Alexandro Lozano, District 3.

Representative Cook abstained from the vote.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the appointment of Eddie Holguin Jr. to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Jose Alexandro Lozano, District 3.
.....

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street lights at the following locations:

- A. 5004 Wilmoth, at a cost of Four Hundred Sixty Four Dollars (\$464.00).
- B. 5345 Big Horn, at a cost of Eight Hundred Ninety Nine Dollars (\$899.00).

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #M576-999-0220-6100, \$743.88 per month installments on a balance of \$17,853.12 for 1997, 1998, 1999 & 2001 taxes; Raymond & Cecilia R. Telles – 4221 Santa Rita St.
- B. PID #0275-999-3000-0000, \$226.74 per month installments on a balance of \$2,040.66 for 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Marie's Pastries % Roberto Armendariz – 3325 Fort Blvd.
- C. PID #C518-999-0800-7600, \$619.24 per month installments on a balance of \$3,715.44 for 2002 taxes; Fabio M. & Sara H. Camarena – 8400 Mettler.
- D. PID #D047-999-0150-1900, \$517.38 per month installments on a balance of \$4,139.04 for 2001 & 2002 taxes; Deborah A. Page – 9909 Goby St
- E. PID #D761-999-0010-2700, \$446.21 per month installments on a balance of \$5,354.52 for 2000, 2001 & 2002 taxes; Jesus M. & Esperanza Gandara – 146 Rio Monte St.
- F. PID #E014-999-1010-2100 & E014-999-1010-1601, \$446.51 per month installments on a balance of \$5,358.12 for 1999, 2000, 2001 & 2002 taxes; Blanca A. Beck – 3015 Pershing Dr.
- G. PID #L201-999-0090-2500, \$112.75 per month installments on a balance of \$4,059.00 for 2000 & 2001 taxes; Jesus S. & Marta Carrillo – 9356 Danbury Rd.
- H. PID #0263-999-0050-6500, \$289.66 per month installments on a balance of \$3,475.92 for 2001 & 2002 taxes; Robert & Lydia Torres – 4500 – 4502 Alameda.
- I. PID #P682-999-0040-4900, \$317.80 per month installments on a balance of \$5,720.40 for 1999, 2001 & 2002 taxes; Fernando R. Garnica, Jr., – 8823 Aparicio.
- J. PID #P859-999-0020-0030, \$446.14 per month installments on a balance of \$5,353.68 for 2000, 2001 & 2002 taxes; Alicia Barboza – 1012 Missbev Ave.

Department: Municipal Services/Building Maintenance
Funds available: 31010326-503200
Funding source: Operating and General Funds
Total award: \$100,000.00

The Departments of Municipal Services/Building Maintenance and Purchasing recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.
Low Bidder's offer was considered non responsive, Bid requires that a sufficient inventory be available for on going purchases. Vendor does not keep inventory, orders only when needed.
Vendor offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.
This is a Requirements Type Contract with an initial term of Twenty-four (24) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-212 Access Control System Upgrade (Furnish,Configure & Install)

Award to: Hi-Tek Special Systems, Inc.
El Paso, Texas
Item (s): 1, O1 and O2
Amount: \$55,656.10

Department: Department of Aviation
Funds available: 62620031-508027-G620AIP0020
Funding source: FY2004 Capital Funds
Total award: \$55,656.10

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, for an upgrade to the El Paso International Airport's Access Control System, for the Department of Aviation.

Vendor offers a 2% discount if paid within 10 days. There was an option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within ten months from date of award of the contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-220 EPPD Pre-Fabricated Shoot House Building

Award to: Porta Target Inc.
Grant, FL
Item (s): Base Bid \$99,800.00

Department: El Paso Police Department
Funds available: 21150070/P500238/16415/508002
Funding source: Continuing Education Training Funds
Total award: \$99,800.00

The Departments of Purchasing, Engineering and Police recommend the award of this contract to Porta Target Inc., 515 Grant Road, Grant, Florida 32949-0418, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project as necessary.

*Motion made, seconded and unanimously carried to award Bid No. 2003-222 Pool Chemicals

Motion made, seconded and unanimously carried to award Bid No. 2003-231 Doors, Frames and Accessories

8 REGULAR COUNCIL MEETING – OCTOBER 14, 2003

The Departments of Municipal Services/Building Maintenance and Purchasing recommend award as indicated to the Lowest Total responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor also offers the City a prompt payment discount of 1% 10 days.

This is a Requirements Type Contract with an initial term of Twenty-four (24) months.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-012
COMPTROLLER

To transfer funds necessary for external audit.

| | | | | |
|----------|----------|------|-----------------------|--------------|
| Decrease | \$38,000 | from | 05010017/01101/502104 | Audit Servcs |
| Increase | \$38,000 | to | 05010018/01101/502104 | Audit Servcs |

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-025 FIRE

To establish Grant No. G220305/05357.

| | | | | |
|----------|----------|----|------------------------------|----------------|
| Increase | \$10,413 | to | 22150024/G22030505357/406000 | Fed Grt Proc |
| Increase | \$10,413 | to | 22150024/G22030505357/504410 | PubInfPublicat |

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-035 PARKS AND
RECREATION

This budget transfer requests an appropriation increase for the Father Martinez Senior Center to reflect additional field trips taken by the seniors.

| | | | | |
|----------|---------|----|------------------------------|-------------|
| Increase | \$8,000 | to | 51510160/P50024316331/405065 | Misc Non Op |
| Increase | \$8,000 | to | 51510160/P50024316331/504422 | Field Trips |

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-042 PARKS AND
RECREATION

This budget transfer requests a new appropriation to purchase 4 Maxi Sweep Pool Vacuum Systems. These are needed to replace existing older machines. The new machines allow recycling of water.

| | | | | |
|----------|----------|----|------------------------------|-------------|
| Increase | \$14,000 | to | 51010281/P50020316303/407001 | Intrfd Trf |
| Increase | \$14,000 | to | 51010281/P50020316303/508008 | Major Equip |

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-050 MUSEUM OF
ART

To appropriate funds from the Tom Lea Endowment Fund for the conservation of paintings and the reproduction of picture frames contained in the El Paso Museum of Art.

| | | | | |
|----------|----------|----|-----------------------|--------------|
| Increase | \$10,000 | to | 54153017/15456/407002 | Est Rev |
| Increase | \$10,000 | to | 54153017/15456/502215 | Outside Cont |

*Motion made, seconded and unanimously carried to approve the request of Father Yermo ELC to hold a United Nations Day Celebration Parade on October 24, 2003 from 2:00 p.m. to 2:30 p.m. Start: 616 S. Virginia to Third St., turn left on Third St., to Ochoa St., turn left on Ochoa St., to Father Rahm, turn left on Father Rahm and finish at 616 S. Virginia. Approximately 100 persons will take part and 10 spectators are anticipated. PERMIT NO. 03-154 [Alfredo Palacio]

*Motion made, seconded and unanimously carried to approve the request of San Juan Bautista Catholic Church to hold a procession on November 23, 2003 from 4:15 p.m. to 6:30 p.m. Route: Start at 5647 Dailey, turn right on Glenwood to Delta, turn left on Delta to Auburn, turn left on Awbrey to El Paso Dr., turn left on El Paso Dr., to Glenwood, turn right on Glenwood and finish at 5647 Dailey. Approximately 200 persons and 1 vehicle will take part. This request includes permission to use amplification (1 or 2 amp-40 watts). PERMIT NO. 03-156 [James P. Martin]

*Motion made, seconded and unanimously carried to approve the request of El Paso Police Department to use amplification (disco with speakers-2 speakers & 1 microphone) at Shawver Park on October 18, 2003 from 11:00 a.m. to 2:00 p.m. Approximately 1,000 persons will take part. PERMIT NO. 03-152 [Police Department, Commander Cliff Walsh, (915) 564-7039]

*Motion made, seconded and unanimously carried to approve the request of El Paso Police Department to use amplification (disco with speakers-2 speakers & 1 microphone) at Eastwood Park on October 18, 2003 from 11:00 a.m. to 2:00 p.m. Approximately 1,000 persons will take part. PERMIT NO. 03-153 [Police Department, Commander Cliff Walsh, (915) 564-7039]

"Motion made, seconded and unanimously carried to approve the request of Armijo Center/Southside Agencies to block off Seventh & Florence between Campbell and Ochoa on October 31, 2003 from 6:00 p.m. to 9:30 p.m. for a safe Halloween block party. Approximately 2,500 persons will take part and 2,500 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (P.A. system and disco in library patio). PERMIT NO. 03-158 [Sandy Rodriguez/Richard Lujan]

Motion made, seconded and unanimously carried to approve the request of Radford School to block off Radford between Altura, Manchester, and King James on October 25, 2003 from 11:00 a.m. to 3:30 p.m. for a school festival. Approximately 150 persons will take part and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 03-157 [Josefina Font]

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance revising the Fee Schedule for the Fire Department Medical Services System of the City of El Paso and repealing any previous fee structures.**
- 3. An Ordinance granting a Special Privilege authorizing the temporary closure of San Francisco Avenue (Trolley Lane) between El Paso Street and Santa Fe Street for a City-sponsored Dia de los Muertos Cultural Event on November 1, 2003. (SP-03020)**

- C. An Ordinance granting a Special Privilege to the Ysleta Del Sur Pueblo to temporarily close a portion of Old Pueblo Road between Alameda Avenue and Socorro Road for a car show on Sunday, November 2, 2003. (SP-03021, Fee: \$137.50)
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **CAPITAL ASSETS MANAGER**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ECONOMIC DEVELOPMENT DIRECTOR**.

PUBLIC HEARING WILL BE HELD ON OCTOBER 28, 2003 FOR ITEMS A – E

- F. An Ordinance changing the zoning of a portion of Tracts 4K (4K1) and 5B1A (5B1A1), Block 55, Ysleta Grant, El Paso, El Paso County, Texas (1125 N. Zaragoza Road) from C-1 (Commercial) to S-D (Special Development). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00048. Applicant/Representative: City of El Paso, Planning, Research & Development, #2 Civic Center Plaza, El Paso, TX 79901
- G. An Ordinance amending Ordinance No. 010764, which changed the zoning of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas from R-1 (Residential) to R-2 (Residential) and imposed certain conditions, by deleting the condition thereof. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Sunny View, LLC / Representative: Brock & Bustillos, Inc.; 417 Executive Center Boulevard, El Paso, TX 79912. ZON03-00013
- H. An Ordinance changing the zoning of a portion of Tract 4, Block 4, Castner Range Subdivision, El Paso, El Paso County, Texas (Joel Drive South of Diana Drive) from A-O (Apartment/Office) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903. ZON03-00027
- I. An Ordinance changing the zoning of Tract 501 and 502, Sunrise Acres Addition, El Paso, El Paso County, Texas (Skyline Drive South of Hondo Pass Avenue) from R-4 (Residential) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903. ZON03-00028
- J. An Ordinance granting Special Permit No. ZON03-00029, to allow for a planned residential development on a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas (Pebble Hills Boulevard East of Joe Battle Boulevard) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JNC Land L.P. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936.
- K. An Ordinance changing the zoning of Tracts 18A and 18C, Block 51, Ysleta Grant, El Paso, El Paso County, Texas (Socorro Road South of Isaiah Drive) from R-F (Ranch and Farm) and R-F/H (Ranch and Farm/Historic) to C-1 (Commercial) and C-1/H (Commercial/Historic). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Alfredo Gurrola; 435 F E Jackson, El Paso, TX 79927. ZON03-00038.
- L. An Ordinance changing the zoning of a portion of Tract 3, Block 1, Ascarate Grant, El Paso, El Paso County, Texas (Vista De Oro Drive South of Vista Del Sol Drive) from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Wal-Mart Stores, Inc. / Representative: Brock & Bustillos, Inc.; 417 Executive Center Boulevard, El Paso, TX 79912. ZON03-00044

PUBLIC HEARING WILL BE HELD ON NOVEMBER 4, 2003 FOR ITEMS F – L

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to postpone one (1) week the request of United American Veterans Organization to hold a veteran's parade on November 8, 2003 from 10:00 a.m. to 1:00 p.m. Route: Start at Myrtle and Florence, proceed west to Kansas, turn south on Kansas, proceed on Kansas to Overland, turn west on Overland, proceed on Overland to El Paso St., turn north on El Paso St., proceed to Mills, turn east on Mills, proceed on Mills to Kansas, turn south on Kansas to Texas and disband. The reviewing stand will be located on the south side of San Jacinto Plaza on Mills St. Staging areas to be used: Florence, Ochoa, Virginia, St. Vrain, Angie, and one block each side of Myrtle. Approximately 2,000 persons and 150 vehicles will take part and 2,500 spectators are anticipated. This request includes permission to use amplification (KBNA-4 speakers and amplifier across reviewing stand) Request waiver of fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 03-150 [Ka Davis]

Mr. John Nance, Assistant City Attorney, recommended that Council Members postpone the matter for one week to allow the City Attorney's office time to prepare a co-sponsorship Agreement Resolution, to be placed on next week's City Council agenda, and to allow the parade item approval simultaneously.

Ms. Ka Davis, President of the United Veterans Administration Office, thanked the Council for assisting the UVAO's funding of the Veteran's Day parade and honoring all veterans.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the appeal of a decision by the El Paso Historic Landmark Commission for a Certificate of Appropriateness HP03033 for the property legally described as 34 MANHATTAN HEIGHTS 13 & 14 which requires installation of single or double-hung windows with a strong horizontal element as found in the Bungalow construction method. Owner/Applicant: Pedro Calzada, 2814 Gold, El Paso, TX 79930.

Ms. Cecilia Castañon, representing the applicant, was present to answer any questions the Council Members may have.

Representative Cushing moved to approve the findings of Planning, Research and Development staff and deny the findings of the Historic Landmark Commission for purpose of an accommodation of disabled at that location. Mayor Pro Tem Cobos seconded.

22 REGULAR COUNCIL MEETING – OCTOBER 14, 2003

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to direct City staff to come up with screening requirements and requirements for trash receptacles concerning proposed zoning code amendments for Outdoor Flea Markets.

Mr. Rudy Valdez, Planning, Research and Development, requested Council Members' direction regarding either the placement of screening (fencing) around flea markets or as suggested by the BZAC (Building and Zoning Advisory Committee), DCC (Development Coordinating Committee) and CPC (City Plan Commission), the placement of additional trash receptacles. He answered questions of Representatives Power, Cook, Lozano, Cobos, Austin, and Cushing and provided comments in response.

Representative Cook presented a PowerPoint presentation regarding accumulated trash surrounding flea markets and requested that the Planning, Research and Development staff develop a plan specific to flea market screening.

Mr. Valdez responded that the Department staff had devised screening alternatives; however, the BZAC, DCC, CPC, flea market operators and vendors had opposed those recommendations.

Representative Cushing requested that the BZAC make recommendations on a case-by-case basis.

Representative Power requested increasing fines to compel flea market property owner's to remedy the littering issue. He questioned whether the responsibility regarding the cessation of littering lay with the property owner of the flea market or vendor.

Mr. Said Larbi-Cherif, Interim Director of Building Permits & Inspections, responded that it was the responsibility of the property owner and that the average fine was approximately \$500.00. He noted that the Department utilized four inspectors on weekends in order to enforce the City's various codes.

Representative Cook moved to direct City staff to come up with requirements based on criteria previously provided. Representative Power seconded.

Representative Austin suggested Representative Cook amend his motion to include "that screening may be required by the Building Official, that it shall be required if there is a prior violation of the littering statutes; and that, there is a presumption that any littering in the area comes from the flea market site, if there is not screening". She added that if there is screening there is no presumption, if there is not screening, there is the presumption that the litter came from the site. She also added that the application would require mandatory screening where a previous littering violation had occurred.

Representative Cushing concurred with Representative Austin's suggested amendment and added comments regarding the possibility of traffic accidents and the obstructed vision of drivers on busy streets.

Representative Cobos suggested that Representative Cook include in his motion additional trash receptacles.

Representative Cook reiterated that his motion language was broad enough to include Representative Austin's suggestion, egress and ingress issues, and additional trash receptacles. Representative Cook accepted Representative Cobos' suggested amendment regarding additional trash receptacles.

Ms. Richarda Duffy Momsen, City Clerk, reiterated the motion as made by Representative Cook, seconded by Representative Power and amended by Representative Cobos as: "To direct City staff to come up with screening requirements and requirements for trash receptacles concerning proposed zoning code amendments for Outdoor Flea Markets".

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Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to direct City staff to study and effect an amendment to the City Municipal Code for infill development with certain standards.

Mr. Rudy Valdez, Chief Urban Planner, explained that the Planning, Research and Development staff had been requested to prepare an Ordinance amendment assisting property owners of vacant in fill parcels, not meeting zoning, set back requirements, and/or standards of the Code, to construct on those particular parcels. He answered questions of Representative Power.

Representative Cushing remarked that the agenda item was addressing a specific need for the immediate and requested that Council Members approve the matter to allow ongoing projects to move forward.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, explained that BZAC Subcommittee G had composed recommendations to add a Special Permit Overlay to all zoning districts of the City. She noted that each Special Permit Overlay case would be brought before the City Council for approval. She stated that the recommendations by BZAC Subcommittee G were not specific to any area of the City. She responded to questions and comments made by Representatives.

Representative Austin commented on building in arroyos and requested that the Subcommittee address size distinction and scope.

Representative Cushing moved to approve the matter. Representative Lozano seconded.

Representative Cushing explained that the motion was to study and effect an amendment and that Council Members were directing staff to study and come up with an amendment.

Mr. Valdez clarified that the specifics to the amendment had not yet been written.

Ms. Adauto clarified that the amendments, in their entirety, had not yet been reviewed by the DCC and CPC; however, the language regarding the Special Permit Overlay was ready to be approved by the DCC and CPC. She recommended that the DCC and CPC review the Special Permit Overlay language prior to an Ordinance Introduction amending Title 20.

Ms. Richarda Duffy Momsen, City Clerk, reiterated the motion as “to direct City staff to study and effect an amendment to the City Municipal Code for infill development with certain standards as requested by Representative Robert A. Cushing, Jr.”.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to direct the Planning, Research and Development Department to develop a comprehensive plan for infill development, with input from all involved departments, the private and public sector, to return to Council with recommendations within one hundred and eighty (180) days.

Representative Cushing made remarks regarding the difficulty developers were having concerning vacant lot development within the City limits. He discussed using incentives for individuals not wishing to sell their properties. He commented on “sustainable growth” and the implementation of hot water on demand, solar panels, using more effective building materials and individual gray water use in the homes. He defined “open or green spaces” as properties with no significant value and suggested that the City return alleyways to the homeowners, relieving the City the burden of paving said alleys. He moved to request that his proposals be reviewed and requested that City staff bring recommendations back to Council in 91 days.

Representative Cook suggested developing a "pilot program" utilizing "Sunrise Acres", located in Northeast El Paso.

Representative Lozano commented that other areas of the City should also be considered, in addition to Sunrise Acres.

Mayor Joe Wardy suggested directing the Planning, Research and Development Department to move forward and utilize Sunrise Acres as a quasi-pilot project to initiate Ordinances that would be utilized throughout the City.

Representative Cushing amended his motion to that City Council review his proposals as an overall City concept with the pilot project moving forward in the Sunrise Acres area.

Representative Cobos commended Representative Cushing on his proposals, specifically relinquishing alleyways to homeowners.

Representative Lozano questioned whether Representative Cushing had considered drainage canals within his proposals.

Representative Cushing was not comfortable addressing drainage canals at the moment.

Representative Cook requested that the Mayor speak to the Public Service Board (PSB) regarding reviewing their connect fees within the Sunrise Acres area.

Mayor Wardy noted that he had requested the PSB review their fee structure weeks ago.

Representative Rojas commented on vacant lots within District 7 and noted that her district had the highest number of illegal dumping incidents within all Districts.

Mayor Wardy explained that HUD monies were available to rehabilitate vacant and blighted properties to promote home ownership.

Representative Power emphasized that the issue was economic in nature and suggested that a Committee of all entities be formed in order that issues impeding the construction on vacant/blighted lots be addressed.

Colonel Jim Smith, JKS Homes representative, explained that he had been developing infill lots for the last 10 years and noted the many difficulties he has since experienced with infill development. He stated that JKS Homes would support the Council on this endeavor.

Mayor Wardy commended Colonel Smith for being a pioneer regarding infill construction.

Representative Cook requested that Representative Cushing remove the time constraints from his motion.

Ms. Adaauto explained that many City departments would become involved, as well as meetings with the private sector. She requested that the Department bring a progress report to Council in six months.

Representative Cushing agreed with Ms. Adaauto's timeframe suggestion. Representative Cook offered clarification.

Ms. Richarda Duffy Momsen, City Clerk, read the motion into the record as: "to develop a comprehensive plan for infill development with input from all departments, the private and public sector, to return to Council with recommendations within one hundred eighty (180) days".
.....

*Motion made, seconded and unanimously carried to delete the discussion and action on a the creation of a Library Joint Use Agreement between the City, Ysleta Independent School District, Socorro Independent School District and El Paso Independent School District.

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Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to direct the Human Resources Department to amend the dress code for city employees and to incorporate into the employee handbook to allow City employees to wear denim on special occasions/days as designated by the Mayor.

Representative Lozano suggested that the word "denim" be removed from the Employee Dress Code.

Mayor Joe Wardy explained that, as one of his first actions was to amend the dress code to allow employees working in the field, outside of City Hall, be allowed to wear denim. He felt it was his prerogative that denim was not a professional dress for an office environment.

Representative Cook commented that the Building Permits and Inspections staff had purchased denim shirts with the City logo on them.

Representative Cobos suggested that City employees be allowed to wear denim on Fridays, as a way of boosting morale.

Representative Austin noted that "fund raisers" allow the wearing of denim on special days, by employees.

Mayor Wardy supported Representative Austin's suggestion and noted that "Breast Cancer Awareness Day" allowed for the wearing of denim.

Representative Lozano moved to, on special occasions, allow City employees to wear denim. Representative Cobos seconded.

Ms. Richarda Duffy Momsen, City Clerk, reiterated the motion as: "to direct the Human Resources Department to amend the dress code for City Employees and to incorporate into employee handbook to allow City employees to wear denim on special occasions/days as designated by the Mayor".

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks the discussion and action to direct the Department of Planning, Research and Development and the City Attorney's Office to review and amend City Code Section 20.62.010, Nonconforming Lots to "A single {or two} family dwelling may be erected on a lot even though of less width or area than required by the regulations for the district in which it is located, if such lot was separately owned at the time when any zoning restrictions as to its required width or area (whether under this title or any other ordinance or amendment) first became effective {Delete remainder of text}.

.....
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to direct the Chief Administrative Officer, the City Attorney's Office and the Tax Office to evaluate imposing a cap at the 2003 tax levy for:

- (1) Homeowners over the age of 65;
- (2) Disabled homeowners; and
- (3) on future tax increases and to report back in 60 days for action.

Representatives Lozano, Cobos, Power, Rojas, Cook, Austin and Mayor Joe Wardy made remarks and/or asked questions of City staff and/or members of the public.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, and Mr. Jim Martinez, Chief Administrative Officer, provided additional information and responded to Council Member's questions.

Mr. J. E. Chavez Caldera, citizen, referred to House Joint Resolution 16 and House Bill 136 and remarked that the cost of implementing a tax freeze would be approximately \$130,000.00.

Mayor Wardy commented on leveraging federal and other entity/organization funds.

Mr. Luis Enrique Cheew, Volar representative, commented on the need to assist the disabled and elderly population and requested Council place tax freezes on properties owned by the disabled and/or elderly.

Mr. Jaime O. Perez, citizen, provided comments.

Ms. Enriqueta Natividad, citizen, provided remarks.

.....
No action was taken on the discussion and action regarding citizen concerns, specifically, the symbol and signage for handicapped parking at the City of El Paso and other parking lots.

Representative Lozano requested that City staff paint the handicapped lines on parking spaces.

Mr. Bill Bennett, ADA Coordinator for the City of El Paso, commented on the ADA volunteer parking patrol and the need for additional volunteers. He also explained that parking violations were enforced by both El Paso Police Department officers and the ADA volunteer parking patrol.

Mr. Eric Reed, Chairman of ADA, requested stricter enforcement be implemented regarding non-handicapped individuals utilizing handicapped parking spaces.

Ms. Terri Cullen-Garney, Deputy City Attorney, suggested that she met with City staff to ensure that the City was not in violation and would report back to the Council.

.....
ORDINANCE 15577

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING SECTIONS OF TITLE 7 (ANIMALS), TO CHANGE PERMIT FEES. THE PENALTY BEING AS PROVIDED IN SECTION 7.04.080.**

Drs. Terry Gee and Tom McCabe, veterinarians, provided comments regarding the fee increase and the need to enforce compliance by pet owners with vaccination requirements. Dr. Gee noted that the El Paso Veterinary Association would agree with the Ordinance language provided three amendments be added. He read those amendments into the record.

Representatives Cook and Power provided comments.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, commented on financial matters relative to the Ordinance.

Mayor Joe Wardy noted that the increase in fee would generate an additional \$150,000.00.

Mr. Lorenzo Hinojos, Animal Control Manager, explained that in years past, volunteers would peruse neighborhoods and speak to the residents regarding properly vaccinating their pets.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos

NAYS: Council Member Lozano Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Mr. Larry Romero, Interim Director of Economic Development, gave all the details for the following three items on Reinvestment Zone "QQ".

RESOLUTION

**AFTER A PUBLIC HEARING, MAKING CERTAIN FINDINGS AS TO THE
DESIGNATION OF REINVESTMENT ZONE "QQ" IN ACCORDANCE WITH
THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.**

WHEREAS, the City Council (the "City Council") of the City of El Paso, Texas (the "City") gave due and proper notice of public hearing as to the designation of a reinvestment zone pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001 et. seq., TEX. TAX CODE ANN., as amended (the "Act");

WHEREAS, the City Council has found that notice was properly given as to such public hearing by: (1) publication of such notice in a newspaper having general circulation in the City no later than the seventh day before the date of the hearing, a copy of the Affidavit of Publication as to such notice being attached hereto as Exhibit "B"; and (2) delivery of such notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of the hearing, a copy of the form of the notice sent to each presiding officer of the governing body of each such taxing unit being attached hereto as Exhibit "C";

WHEREAS, the City Council has found that the public hearing was held on this date in accordance with law and at which time all interested persons were given the opportunity to speak and present evidence for or against the designation of the reinvestment zone, and that the City Council has given due and proper regard to the testimony presented;

WHEREAS, the City Council has determined and hereby finds that the land within the City to be designated as a reinvestment zone is set forth and described in Exhibit "A" attached hereto;

WHEREAS, the City Council has determined and hereby finds that the proposed improvements to be placed on the land located within the Reinvestment Zone are feasible and practical and would be a benefit to such land in the Reinvestment Zone and to the City after the expiration of a Tax Abatement Agreement entered into in accordance with § 312.204 of the Act, as amended;

WHEREAS, the City Council has determined and hereby finds that such land designated as a reinvestment zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

WHEREAS, the City Council represents and finds that the land to be included in the Reinvestment Zone meets the Guidelines and Criteria Governing Tax Abatement Agreements set forth and adopted in a Resolution approved by the City Council on June 26, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1: That the determinations and findings recited and declared in the preambles to this Resolution are hereby restated, repeated and incorporated herein as current, proper and lawful findings of the City Council of the City of El Paso, Texas.

Section 2: That the land set forth and described in Exhibit "A" (Exhibit on file with this Resolution in the City Clerk's Office) attached hereto and which is incorporated herein by reference thereto for all purposes, is hereby declared to be eligible to be designated as Reinvestment Zone "QQ" pursuant to the requirements of the Act.

Section 3: That the City Council of the City represents that it will review all proposed descriptions for approval of specific projects to be made and subject of a Tax Abatement Agreement and to be located within such Reinvestment Zone "QQ," in order to determine whether such projects are consistent with the Guidelines and Criteria Governing Tax Abatement Agreements as heretofore approved by the City Council.

There being no further public comment after public hearing was closed, the vote was taken.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....
ORDINANCE 15578

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING REINVESTMENT ZONE "QQ" WITHIN THE CITY OF EL PASO AS AUTHORIZED BY THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, §§312.001 ET. SEQ., TEXAS TAX CODE, AS AMENDED; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE "QQ"; DESCRIBING THE ELIGIBILITY OF SAID REINVESTMENT ZONE "QQ" FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT OF REAL AND PERSONAL PROPERTY LOCATED THEREIN; AND PROVIDING FOR A SAVINGS CLAUSE.**

There being no further public comment after public hearing was closed, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
.....

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE

A TAX ABATEMENT AGREEMENT

With

El Paso Healthcare System, Ltd.

**PURSUANT TO THE REQUIREMENTS OF THE PROPERTY REDEVELOPMENT AND TAX
ABATEMENT ACT, CHAPTER 312,
TEXAS TAX CODE.**

WHEREAS, the City Council of the City of El Paso, Texas enacted and adopted Ordinance No. 15578 on October 14, 2003, which designated Reinvestment Zone "QQ" pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§ 312.001, et. seq. Texas Tax Code, as amended (the "Act");

WHEREAS, pursuant to the requirements of the Act and of the Guidelines and Criteria Governing Tax Abatement Agreements adopted by the City Council by resolution on June 26, 2001, the City Council intends to enter into a Tax Abatement Agreement with El Paso Healthcare System, which owns or has a possessory interest in, certain taxable real property located in the Zone.

WHEREAS, pursuant to the requirements of the Act, notice of the City's intent to enter into the Agreement, together with a copy of the proposed agreement, was mailed to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located not later than the seventh (7th) day before the date on which City Council intends to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a Tax Abatement Agreement with El Paso Healthcare System, Ltd., pursuant to the terms and conditions as set forth and stated in a copy of such agreement which is attached hereto as Exhibit "A" (Exhibit on file with this Resolution in the City Clerk's Office) and incorporated herein by reference.

Mr. Larry E. Romero, Interim Director of Economic Development, explained the Tax Abatement Agreement and noted that Las Palmas would be adding 150 new jobs.

Mr. Don Karl, Las Palmas representative, thanked Council Members for their approval and commented on the public/private partnership and increasing the City's tax base.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....
ORDINANCE 15579

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 23B1 AND 23B, BLOCK 15, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (8269 NORTH LOOP DRIVE) FROM A-O (APARTMENT-OFFICE) AND A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1 (COMMERCIAL) AND C-1/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE. ZON03-00014.**

Mr. Rudy Valdez, Chief Urban Planner, provided explanation regarding the zoning change request and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that the C-1/SC would be specifically for the pharmacy.

There being no further public comment, the vote was taken.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power and Rojas

NAYS: None Absent: Council Member Escobar

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Lozano, seconded by Representative Cobos and carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign an Amendment to the Contract between the CITY OF EL PASO and ERNEST COCA and wife BERTHA COCA, dated Oct. 11, 1988; to release Conditions #5 and 7, amending Condition 1 to read as follows: *"No building shall be located closer than 40 feet to Lots 8 and 9, Nueces Place"*, amending Condition 8 to read as follows: *"No building shall be located closer than 15 feet to the southerly property line adjacent to Tracts 11A & 11B, Block 19, and Tracts 9D, 9E, 9F, 9G, 9H, & 9J, Block 17, YSLETA GRANT, El Paso, El Paso, County, Texas"*, and adding a new condition requiring detailed site development plan review and approval on the property described as *Tracts 9B, 9C, 9KL1, and 9L, Block 17 and Tract 17, Block 19, YSLETA GRANT, El Paso, El Paso County, Texas*. Applicant: Ernest & Bertha Coca / Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

Mr. Rudy Valdez, Chief Urban Planner, provided Council Members explanation pertaining to releasing conditions within the Resolution. He stated that the property owner was requesting amendments to the Contract. He noted that the DCC (Development Coordinating Committee) had voted against the request; however, CPC (City Plan Commission) had voted 5-1 to release the restrictions but to impose certain conditions. Mr. Valdez stated that the Planning, Research and Development Department had received 10 letters and 36 signatures in opposition.

Representatives Lozano, Rojas, Austin, Power, and Cushing asked questions of City staff.

Ms. Terri Cullen-Garney, Deputy City Attorney, explained legal matters and added that the CPC (City Plan Commission) approved Site Development Plans.

Messrs. Tony Combs, Eugenio Gonzalez, Bill Mischen and Nicolas Dominguez each spoke in opposition of the matter.

Mrs. Marilyn Mischen provided comments in opposition to releasing the Conditions on the property.

AYES: Representatives Cushing, Lozano, Cook and Cobos

NAYS: Representatives Austin, Power and Rojas

EXCUSED: Representative Escobar
.....

RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 4421 Madera Ave, in El Paso, Texas, which property is more particularly described as follows:

Lots: 4 and East one-half (E1/2) of Lot 5, Block 29, French Addition an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 10, Page 5, Plat Records of El Paso, County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **Pedro Bustillos and Martha O. Bustillos, 4421 Madera Ave., El Paso, Texas 79903**, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 7, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Main Building be secured within (30) days; and the Accessory Building be demolished within 30 days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - d. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s). He responded to Representative Cushing's question regarding trusteeship.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representative Lozano was not present for the vote.

- the offerror's past relationship with the City - maximum of 10 points;
- the offerror's experience and qualifications - maximum 10 points;
- the health benefits the offerror provides to its employees - maximum 10 points;
- the purchase price - maximum of 70 points; and

WHEREAS, the City of El Paso has determined that in the specific instance of the Plaza Theatre Project, because of the complexity and need for specific expertise on this particular project, the use of differing criteria and relative weights, as noted below, would be beneficial in the City's selection of a contractor for the construction or renovation of this facility:

- the health benefits the offerror provides to its employees - maximum 5 points;
- the purchase price - maximum of 50 points;
- the offerror's and its subcontractor's experience and qualifications - maximum of 45 points; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the criteria and relative weights, that will be published and used to evaluate which offerror provides the best value to the City when entering into a contract for the construction of a facility are:

- the offerror's past relationship with the City - maximum of 10 points;
- the offerror's experience and qualifications - maximum 10 points; and
- the health benefits the offerror provides to its employees - maximum 10 points;
- the purchase price - maximum of 70 points; and

THAT, the City of El Paso may also determine, at the discretion of the City Council, that in the specific instance of the Plaza Theatre Project, because of the complexity and need for specific expertise, the use of differing criteria and relative weights, shall be published and used in the City's selection of a contractor for the construction or renovation of this facility as follows:

- the health benefits the offerror provides to its employees - maximum 5 points;
- the purchase price - maximum of 50 points;
- the offerror's and its subcontractor's experience and qualifications - maximum of 45 points.

Mayor Joe Wardy explained the need for revising the Resolution and utilized the Zoo seal project and Plaza Theatre restoration project as examples. He noted that some City projects may require higher levels of expertise and that the low bidder may not be as qualified.

Representatives Cook, Power, Austin, Cushing provided comments and asked questions of Mayor Wardy and City staff.

Mr. Ray Gilbert, citizen, requested that the Resolution be implemented for "special" projects requiring a higher level of expertise.

Mr. Byron Johnson, Director of Purchasing, responded to questions/comments made by Representative Austin.

Ms. Ruth Reyes, Assistant City Attorney, explained the Best Value Procurement Resolution as previously written and adopted by City Council. She made comments addressing RFQs and Best Value Procurement implementation.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution as revised.

*Motion made, seconded and unanimously carried to appoint Irma Angelina Piñon to the Community Center Screening Committee by Representative Vivian Rojas, District 7.

*Motion made, seconded and unanimously carried to appoint Miguel A. Torres to the Water Conservation Advisory Board by Representative Paul J. Escobar, District 6.

*Motion made, seconded and unanimously carried to approve the request of Rosalia Andujo to block off alley between Sixth St. & Seventh St. behind 800 S. Park on October 18, 2003 from 8:00 a.m. to 10:00 p.m. for a block party. Approximately 100 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 03-165 [Rosalia Andujo]

*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Authority of City Attorney to retain outside counsel. (551.071)


*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item: Settlement Authority for City Attorney. (551.071)

*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item: Hector Lopez and Maria Isabel Lopez vs. City of El Paso, et, al., Cause No. 2002-5721, Our File No. 03-S-01 (551.071)

Motion made by Representative Cobos, seconded by Representative Rojas and carried to adjourn this meeting at 3:10 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Richarda Duffy Momsen, City Clerk


Lisa A. Elizondo, City Attorney